

**IN THE DRAWINGS:**

Please replace drawing sheets having Figure 9A with new drawing Figure 9A labeled as “Prior Art” and with the “Prior Art” indication from Figure 9B removed.

## **REMARKS**

This amendment is submitted in response to the Final Rejection issued April 12, 2006. Favorable consideration and allowance of the claims of the present application are respectfully requested.

In the Final Rejection, the Examiner first indicates that the response to the drawing objections in the prior issued Office Action was erroneous in that Figure 9A was to be labeled "Prior Art" as opposed to the Figure 9B which applicants had incorrectly indicated so. Applicant takes this opportunity to acknowledge, with thanks, the Examiner's indication and to consider the new Replacement sheets showing Figure 9A with the correct indication of representing Prior Art, and new Figure 9B with the Prior Art indication removed.

Respectfully, no new matter is being entered.

In view of the foregoing, the Examiner is respectfully requested to remove all of the objections to the drawings.

Further in the Final rejection, the Examiner rejected Claims 1-6 under 35 U.S.C. §102(b) as allegedly being anticipated by Wang et al. (U.S. Patent No. 6,383,920) ("Wang").

Applicants respectfully disagree in view of the amendments to Claim 1 provided herein. Particularly, the Examiner indicates that the inventive structure as claimed in Claim 1 is recited in a manner such that the prior art reference to Wang anticipates the Claim. Particularly, the Examiner indicates that Wang teaches a portion of the liner extending partially into the adjacent metal level. As the Claim 1 as pending did not recite only a portion as was argued, the Examiner deemed the argument as not relevant as the language of the claims did not preclude the liner from extending entirely through the metal level as shown in

Figure 2H of Wang. Thus, in response, Applicants take this opportunity to clarify the language in Claim 1 to recite that

a portion of said metal liner extending only partially into an adjacent metal level of said first and second metal levels.... such that a top portion of said extended metal liner portion is located beneath a top surface of said adjacent metal line without contacting said top surface of said adjacent metal line so as not to block electron path flow in said adjacent metal line.


Thus, the further added imitation that the top portion of said extended metal liner portion is located beneath a top surface of said adjacent metal line without contacting said top surface of said adjacent metal line so as not to block electron path flow in said adjacent metal line clarifies more definitely the structure of the metal contact via of the applicants invention which clearly is neither taught nor described by Wang.

That is, as respectfully previously argued, the embodiment described in Wang (e.g., corresponding to Figures 2H and 2L of Wang), clearly shows, after a second chemical mechanical polish step, the resulting structure where the liner material 25, 25a and 25b completely blocks the electro path in the line level. In the present invention, as set forth in Claims 1 and 5, a portion of the metal liner extends only partially into an adjacent metal level of the first and second metal levels .... such that a top portion of said extended metal liner portion is located beneath a top surface of said adjacent metal line without contacting said top surface of said adjacent metal line so as not to block electron path flow in said adjacent metal line. Clearly, Wang does not teach or suggest such a feature. Wang show a process for fully encapsulating a copper via in a semiconductor device as a way to prevent void formation in the bottom of the via due to electromigration.

As such, the Examiner is respectfully requested to withdraw the rejection of Claims 1-6 as being anticipated by Wang.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Steven Fischman  
Registration No.: 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

SF:gc